

**H.R. ___, to reauthorize the Elementary and Secondary Education Act of
1965**

**SUMMARY OF MILLER-MCKEON DISCUSSION DRAFT
TITLE II – TITLE XI**

Title II – Teacher Excellence for All Children (TEACH)

Part A – Improving Teacher and Principal Quality

Performance Pay (from TEACH Act)

This section provides funding for high-need school districts that choose to apply for performance pay bonuses of up to \$10,000 for outstanding teachers (and of up to \$12,500 for teachers of math, science, special education and other shortage subjects) and annual bonuses of up to \$15,000 to outstanding principals who transfer into the hardest-to-staff schools for four years. The evaluation criteria must be developed in collaboration with local teacher unions and based on multiple measures of success including student learning gains, principal evaluations, and master teacher evaluations, based on objective criteria. School districts applying for these funds must provide matching funds and demonstrate that they will improve their school working conditions and teacher hiring timelines.

Career Ladders for Teachers Program (from TEACH Act)

This section establishes competitive grants for high-need school districts to establish career ladder programs that increase salaries for those teachers who expand their knowledge and skills and take on additional responsibilities or leadership roles within the school. Teachers who serve as master teachers as part of a state-of-the-art induction program can receive up to \$10,000 annually while mentor teachers can receive up to \$5,000 annually. Annual bonuses of up to \$4,000 will also be available for all career, mentor and master teachers and will be based on a combination of classroom observations and student academic growth at the classroom and school level. The grants will also fund up to \$4,000 in annual bonuses to principals of schools that demonstrate school-wide student achievement gains.

Teacher Residency Program Grants

This section establishes competitive grants for high-need school districts to create teacher residency programs based on a proven model in which a prospective teachers work alongside mentor teachers for an academic year. Prospective teachers must be enrolled in an institution of higher education and receive coursework and instruction in the content area they plan to teach as well as pedagogy and classroom management. Participating prospective teachers commit to teach in a high-need school district for a period of 5 years.

Study on Developing a Portable Performance-Based Teacher Assessment (from TEACH Act)

This section requires the Secretary to study the correlation between teacher certification and licensure on other measures of teacher effectiveness while assessing whether current tests of pedagogy are reflective of the latest research. The Secretary will then make a grant to a partnership of an independent professional organization and an organization that represents state educational agencies to model a performance-based assessment that accurately evaluates teaching skills and allow the portability of credentials between states.

Improving Professional Development Opportunities (from TEACH Act)

This section establishes competitive grants for teacher centers based on proven models that provide teachers with high quality professional development, information on developments in curricula, assessments and educational research, and training for new teachers. Center activities include providing mentor support and training in classroom management strategies

Part B – Teacher Quality State Grants

Assurance of Reasonable Progress Toward Equitable Access to Teacher Quality (from TEACH Act)

This section makes Title II funding (\$3.4 billion) contingent upon each state demonstrating that it is taking steps to assess whether poor and minority students are being disproportionately taught by inexperienced, unqualified or out-of-field teachers, and to ensure that it is taking steps to address any disparities. The Secretary is authorized to withhold funds if states fail to make sustained and substantial progress in eliminating disparities.

Allotment to States

This section describes how state grants will be distributed by a formula that allocates 35% of available funds on the basis of a state's school age population and 65% of funds on the basis of a state's school age population coming from families living in poverty.

State Needs Assessment

This section requires each state to conduct a teacher needs assessment to determine which school districts are most in need of highly qualified and experienced teachers with expertise in the subjects they teach. This assessment must be made available to parents and the general public and will include an account of the number of first year teachers, the number of teachers with provisional or emergency teaching certification, the average teacher turnover rate, and the number of core academic subjects not being taught by highly-qualified teachers.

State Plan

This section requires states to prepare a plan to address the needs identified in the teacher needs assessment within two years of enactment of this bill. The plans must describe how funds will be used and for what activities while establishing specific, annual goals for achieving an equitable distribution of teachers and for reducing teacher attrition.

State Applications

This section requires states educational agencies to submit an application in order to be eligible for Title II funding. The application will be comprised of the state plan based on the state needs assessment, a description of how the state will implement the plan and technical assistance it will provide. All applications will be peer reviewed and within 120 days will be approved or disapproved by the Secretary.

State Use of Funds

This section requires that 95% of funds made available to each state be used for subgrants to local school districts and 2.5% of funds will be used for subgrants to eligible partnerships. The remainder is reserved for state activities, targeted high-need districts and those with large numbers of school in need of improvement or redesign, including assistance in establishing uniform reporting methods and technical assistance in developing or implementing activities at the local level. State activities include assistance in the following: training teachers in effectively using data -- including data from formative assessments -- to improve teaching and learning; training teachers in effectively teaching students with diverse learning needs including English Language Learners and students with disabilities; and delivering intensive ongoing professional development through technology, peer networks, and school based coaching; and other activities to improve teaching and learning.

Local Needs Assessment

This section requires each school district to conduct and publish an account of its professional development and hiring needs. This section requires that those who teach English language learners, Native American students, and special education students be involved in the needs assessment. The assessment will give special attention to ascertaining which schools have the greatest needs by analyzing the number of teachers in their first three years, the number of teachers with emergency credentials and the number of classes taught by teachers who are not highly-qualified. Local districts are also required to publicly report a comparison of teacher-quality data for those schools within the district that are designed as Priority or High Priority Schools.

Local Use of Funds

This section specifies how school districts may use these funds and includes the following: state-of-the-art teacher mentoring and induction programs based on proven models that provide support for advancing the retention of new teachers; intensive support to teachers to help

improve instruction in literacy, math, science, and other subjects necessary to providing a well rounded curriculum; specialized training in effective instruction for students with diverse learning needs for general education teachers of English Language Learners and students with disabilities and for new principals leading schools with high populations of English Language Learners or students with disabilities; reducing class size to 18 or fewer students in grades K-3 in high-need school districts; and other activities to improve teaching and learning.

Improving Principal Quality in Urban and Rural Schools

This section authorizes funding for rigorous training to aspiring principals in high-need urban and rural schools through a year long residency program as well as ongoing support after they become principals. Aspiring principals will specifically receive instruction in management and the use of data in designing school improvement plans. The grant recipients shall contribute matching funds equal to 200% of the grant and agree to an independent, external evaluation of the program.

National Activities of Demonstrated Effectiveness

This section establishes three programs. The first creates a competitive grant program for innovative teacher retention programs that will pair teachers with professionals in research or industry in order to develop new curriculum and research, travel and fellowship opportunities for teachers to share their work and knowledge. The second creates a competitive grant program to support activities that encourage teachers who seek advanced certification or credentialing. The third creates a competitive grant program to provide professional development for early childhood educators who work in communities that have high concentrations of children living in poverty.

Part C – Partnerships for Math and Science Teacher Quality Improvement

Grants for Mathematics and Science Partnerships

This section provides funding to states to help them improve the academic achievement of students in math and science by helping institutions of higher education improve the education of math and science teachers; by bringing math and science teachers in elementary and secondary school together with scientists and engineers to increase their subject matter knowledge and teaching skills through the use of sophisticated laboratory equipment and computing facilities; to develop more rigorous math and science curricula; and to improve the training of math and science teachers, including training in the integration of technology into curricula. Authorized activities include the establishment of summer workshops or institutes for math and science teachers and the establishment of distance learning programs. This section requires coordination with the Director of the National Science Foundation on the conduct of summer workshops and the dissemination of information on model programs.

Part D – Math Success for All

Mathematics Success

Combines the Math NOW and Math Skills program currently authorized through the COMPETES Act (P.L. 110-69) into a single grant program. Math Success for All provides grants to local educational agencies to provide targeted help to low-income students in kindergarten through secondary school who are struggling with mathematics and whose achievement is significantly below grade level. In addition, grants may be used to provide in-service training for mathematics coaches who can assist elementary and secondary school teachers to utilize research-based mathematics instruction to develop and improve students' mathematical abilities and knowledge, and assist teachers in assessing and improving student academic achievement.

Part E – Innovation for Teacher Quality

Troops to Teachers

Reauthorizes program to help eligible members of the Armed Forces become highly qualified teachers and to facilitate their employment in high-need schools. Amends current law to allow eligible members to teach in schools that meet alternative definition of high-need if there are no schools within 50 miles of member's residence that meet underlying definition of high-need.

School Leadership Partnership Grants

This section establishes a competitive grant program to encourage states to improve the rigor of their principal certification and licensure processes by developing standards of instructional leadership for inclusion; and by implementing/evaluating the effectiveness of pilot programs in high-need school districts. Pilot programs will include induction during a principal's first two-three years and specialized training for principals with high populations of students with disabilities or English Language Learners.

National Writing Project

This section provides funding for training teachers to improve the teaching of writing and the use of writing as part of the learning process based on proven models. The section requires the National Writing Project to collaborate with institutions of higher education and other nonprofit educational providers in developing the teacher training programs.

Part F – Achievement Through Technology and Innovation

Achievement Through Technology and Innovation

This section provides funding dedicated to train teachers in the use of technology in the classroom and encourages states to ensure all students are technologically literate by the 8th grade. Provides federal funding to help schools that serve disadvantaged and low-income

students purchase computers, software and other technology. Requires that states work with school districts to ensure that schools have access to the most up-to-date computers and software. Supports research to determine the effectiveness of technology programs at the state and national levels.

Ready-To-Learn Television

Reauthorizes Ready-to-Learn Television to support development of educational programming and services for preschool and elementary school students and their parents and teachers to facilitate student academic achievement. Amends current law to explicitly encourage development of digital content and to evaluate the impact of supported programs on teaching and learning, including on children's school readiness.

Internet Safety

Continues requirements to ensure that schools have in place policies to ensure that students do not have access through school computers to obscene materials or materials that are otherwise harmful to minors.

Title III – [Language Instruction for English Language Learners and Immigrant Students]

Amends Title III to emphasize need to provide English Language Learners and immigrant children with access to full curriculum in a comprehensive way. Increases set aside for national activities that focus on development and dissemination of best practices in the teaching of ELLs. Addresses GAO recommendations by requiring the Secretary to improve the reliability of state data to distribute Title III formula funds. Increases trigger for formula from \$650 million to \$750 million.

Title IV – 21st Century Schools

Safe and Drug Free Schools and Communities

Reauthorizes the Safe and Drug Free Schools and Communities Act, which provides funding to states and school districts to prevent violence in and around schools and the illegal use of alcohol, tobacco and drugs by students to create a safe learning environment. Adds a focus on preventing bullying, harassment and gang activity. Encourages states and school districts to use positive behavioral supports. Requires states to direct a portion of state funds to help schools identified as not having a safe climate for academic achievement. Improves the accuracy and availability of data on the incidence of drug use and violence in schools and requires the Secretary to publish a handbook for school crime, offense and incident reporting. Authorizes as national uses of funds the Safe Schools/Healthy Students program and Readiness and Emergency Management for Schools. Authorizes the Secretary to establish a National Resource Center for Positive Youth Development and School Success.

21st Century Community Learning Centers

Reauthorizes 21st Century Community Learning Centers, which provide after-school academic and other enrichment programs. Expands the purposes to include service learning, nutrition and nutrition education, and physical fitness and wellness programs. Clarifies that programs should be targeted to the specific needs of their communities. Supports state efforts to improve the quality and availability of after-school programs, including by developing quality standards. Enables states to increase technical assistance, especially to applicants and potential applicants with less administrative capacity. Supports improved professional development for after-school program staff and provides a priority for programs serving students attending High Priority and Priority Schools. Authorizes study to understand and promote skills students will need to succeed in the workplace and to participate actively in civic activities.

Full Service Community Schools

New Part which provides funds to states and districts to support Full Service Community Schools, which are public schools that collaborate with community based organizations to provide multi-disciplinary services to students, such as health, mental health, literacy, nutrition, family education and job training, and other programs have proven effective in reducing non-academic barriers to learning.

Title V—Promoting Successful Education Reform and Innovative Programs

Part A – Innovative Programs

Participation of Children Enrolled in Private Schools

Clarifies that consultation with private school officials concerning activities under this Title should be consistent with the consultation requirements described in Title IX.

Part B – Public Charter Schools

Charter School Programs

Reauthorizes the Charter School program that provides financial assistance for the planning, program design and initial implementation of charter schools. Permits the State educational agency or an authorized public chartering agency within the state to administer the program and authorize new charter schools. Makes multi-campus charters eligible for grants. Consolidates the Credit Enhancement for Charter Facilities Program in Part Subpart 1 and eliminates the separate authorization for this program. Allows limited loans and predevelopment costs under the Credit Enhancement program.

Part C – Magnet Schools Assistance

Magnet Schools Assistance

Reauthorizes the Magnet Schools Assistance Program, emphasizing equitable access to a high quality education, while encouraging young women and minorities to more actively participate in mathematics and sciences and to increase student involvement in the critical foreign languages. These and other innovative educational designs shall continue to encourage the reduction of minority isolation while encouraging the integration of students of different racial, ethnic and economic backgrounds.

Part D – Fund for the Improvement of Education

Fund for the Improvement of Education

Subpart 1. Studies of National Significance

Funds an independent study into the relationship between childhood trauma and student achievement.

Subpart 2. Elementary and Secondary School Counseling Programs.

Continues the authorization for elementary and secondary school counseling programs. Permits programs to use funds to provide professional development on issues related to students who experience or witness domestic violence to counselors, teachers, principals and other school personnel. Also permits funds to be use to build systemic school counseling programs that promote collaboration among counselors and school personnel.

Subpart 3. Partnerships in Character Education. No Changes.

Subpart 4. Smaller Learning Communities. No Changes.

Subpart 5. Reading is Fundamental.

Reauthorizes Reading is Fundamental but requires RIF to give priority to programs that will serve a substantial percentage of children with special needs, including children with parents with limited English proficiency or low levels of literacy.

Subpart 6. Gifted and Talented Students. No Changes.

Subpart 7. Star Schools Program. No Changes.

Subpart 8. Ready to Teach.

Continues authorization for grants to nonprofit telecommunications entities to carry out a national program to improve teaching in core curriculum areas. Amends law to reflect changes

in available technologies, and to require evaluation of programs based on impact on student academic achievement and access to and use by teachers.

Subpart 9. Foreign Language Education Partnership Program.

Replaces the Foreign Language Assistance Program with the Foreign Language Education Partnership program that provides grants to partnerships that include local educational agencies, and institutions of higher education. Grants will be used to establish and maintain K-12 foreign language programs that will increase the number of high school students who graduate with an advanced level of proficiency in at least one foreign language and promote achievement in critical foreign languages.

Subpart 10. Carol M. White Physical Education Program. Continues authorization for grants to local educational agencies and community-based organizations to initiate, expand and improve physical education programs. Encourages use of funds for innovative equipment.

Subpart 11. Community Technology Centers. No Changes.

Subpart 12. Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and their Historical Whaling and Trading Partners in Massachusetts. No Changes.

Subpart 13. Excellence in Economic Education. No Changes.

Subpart 14. Grants to Improve the Mental Health of Children. No Changes.

Subpart 15. Arts in Education. No Changes.

Subpart 16. Parental Assistance and Local Family Information Centers.

Adds new language to ensure that parents of English Language Learners are provided services and that all parents have access to information regarding school safety.

Subpart 17. Combating Domestic Violence. No Changes.

Subpart 18. Healthy High Performance Schools. Repealed.

Subpart 19. Grants for Capital Expenses of Providing Equitable Services to Private School Students. Repealed.

Subpart 20. Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition. Repealed.

Subpart 21. Women's Educational Equity Act. No Changes.

Subpart 22. Environmental Education.

Establishes two grant programs: Grants for Enhancing Education through Environmental Education (EEEE) and the National Capacity Environmental Education Grant Program (NCEG). EEEE provides grants to partnerships for professional development in environmental education for teachers and for developing rigorous environmental education curricula. NCEG authorizes competitive grants to expand environmental education, develop standards and disseminate information on proven environmental education programs.

Subpart 23. Increasing the Effectiveness of Substitute Teaching.

Authorizes grants to low income school districts for improving professional development for substitute teachers.

Subpart 24. Innovative, Integrated Curriculums Grant Program.

Provides funds to low income local educational agencies to support integrated curricula in core academic subjects. Grantees must also provide professional development and effective use of data to ensure effective implementation of such curricula.

Part E – Civic Education

Continues authorization for grants to improve civic education in the United States and developing democracies with minor changes, including authorizing outreach to Native Americans.

Part F – Teaching of American History

Adds to this Part a grant for National History Day to provide high quality professional development on the teaching of American history to teachers in grades 6-12, including partnerships with state and local educational agencies, archives, museums or institutions of higher education to conduct summer workshops and facilitate a year-long historical research project.

Title VI—Flexibility and Accountability

Part A – Accountability

Grants for State Assessments

Increases funding for state assessment systems to support the development and implementation of college and work-ready standards and assessments, assessments developed by state consortia, the development and administration of formative, technology and performance based assessments and valid and reliable assessments and accommodations for English Language Learners and students with disabilities and professional development on the use of such assessments.

Grants for Enhanced Assessment Instruments

Establishes Advanced and Innovative Assessment Systems. Authorizes the Secretary, in collaboration with foundations, institutions of higher education, non-profit and for-profit assessment providers and businesses, to establish a pilot project for states or consortia of states to develop performance-based assessments that better measure the skills necessary for success in postsecondary education and the workforce. Assessments will be designed to measure a higher level of learning, including critical thinking and problem solving skills, promote instruction in such advanced skills, reduce time spent on testing and provide more timely feedback to teachers to better inform instruction. Assessments must be peer-reviewed, meet all the technical quality requirements of the Act, be used for all students in the state and include scoring rubrics that will yield valid, reliable and comparable results across the state. Such assessments could be used as part of the State assessment system defined under Section 1111(b)(3) and as part of Adequate Yearly Progress determinations.

Funding

Requires states that have not yet developed valid and reliable assessments for students with disabilities and English language learners to use at least 33% of State Assessment Grants for this purpose. Half of the reserved funds shall go to developing assessments for each group of these students.

Transferability of Funds

Allows local educational agencies, as part of consultation with private school officials concerning transferability of funds, to transfer funds generated by the count of private school students in proportions different from funds generated by the count of public school students.

Part B – Rural Education Initiative

Amends the Small, Rural School Achievement Program (SRSA) to increase the minimum initial grant amount allowed under the formula to \$25,000 - \$80,000. This increase only goes into effect once total allocations for the Rural Education Achievement Program reach \$200 million. Allows districts that do not receive funding under the SRSA program to receive funding under the Rural Low-Income School program. Makes the measure of poverty under the RLIS program based on free and reduced lunch data, instead of census poverty, to provide a more accurate measure of poverty in rural districts.

Title VII—Indian, Native Hawaiian and Alaska Native Education

Part A – Indian Education

Reauthorizes Indian education programs. Clarifies that programs are intended to improve the academic achievement of Indian students by meeting their unique cultural, language and educational needs and that funds are to be used only for activities described in this Part. Improves technical assistance available to Indian tribes from the Secretary. Encourages

participation of traditional Indian leaders with expertise in Indian culture and Native languages in programs. Authorizes the Secretary to make grants to Indian tribes and others to carry out Native American language programs and Native American language restoration programs. Requires the Secretary of the Interior to annually provide an assessment to Congress of the amount of funding necessary to sustain the academic and residential programs of schools funded by the Bureau of Indian Affairs.

Part B – Native Hawaiian Education

Reauthorizes Native Hawaiian education programs. Supports greater evaluation of effectiveness of programs. Streamlines membership of Native Hawaiian Education Council to improve Council's efficiency and ability to carry out responsibilities. Prioritizes funding for programs that will improve children's reading, math and science abilities in early grades, addresses the unique needs of at-risk youth, provides teacher professional development, and incorporates unique Native Hawaiian language and cultural aspects.

Title VIII—Impact Aid

Impact Aid shall be extended through 2013.

Title IX—General Provisions

Definitions

Provides amended definitions for key terms referenced in the bill and definitions for new terms such as English language learner and specialized instructional support personnel.

Private Schools

Amends current law to require states to identify to private school officials the state official(s) responsible for implementation of private school participation requirements. Expands the list of programs to which equitable private school participation requirements apply. Clarifies which funds are subject to equitable participation requirements and how the proportion of such funds to be provided for services for private school students may be determined. Requires local educational agencies under certain circumstances when consultation between the agency and private schools concerning how services will be provided does not result in consensus to explain the reasons behind its decision.

Study and Report on Food Marketing

Requires the Department of Education to conduct a study on the extent and types of food marketing in middle and high schools. Requires the Secretary to request pertinent information from the Centers for Disease Control and Prevention's Division of Adolescent and School Health as part of the study. The study will assess all media through which food and beverages are marketed to children in schools. The study also will examine mechanisms regulating marketing in schools.

Title X—Literacy Is Essential

Reading First

Continues authorization for the Reading First program. Amends the peer review process in Reading First to make peer review committees subject to greater transparency through the application of the Federal Advisory Committee Act. Requires that the Secretary provide guidance on how peer review committees shall review applications; how feedback is provided to States; how committee recommendations will be reviewed; and the process for making final determinations. Requires that peer review committee continue to include individuals with the expertise as described in current law as well as expertise with reading instruction for English Language Learners and expertise in improving the academic achievement of children who are below grade level in reading. Provides that instruction and assessments to be culturally and linguistically appropriate.

Early Reading First

Reauthorizes the Early Reading First program for local grantees serving preschool age children. Amends current law to strengthen professional development activities, improves the focus on development of language and early literacy, increases the emphasis on delivery of appropriate services to English language learners, and ensures against conflict of interest.

Even Start

Continues authorization for Even Start Family Literacy Program. Establishes new core indicators for performance. Provides for a longitudinal evaluation to be carried out through the Institute for Education Sciences to conduct research on the impact of Even Start programs on the availability of family literacy services, strengthening parental involvement and improving children's and adults' basic literacy and numeracy skills. Establishes a competitive grants program to expand and enhance family literacy services for families with English language learners. Provides a new competitive grant for innovative family literacy programs for incarcerated parents and their Even Start eligible children.

Striving Readers

Authorizes the Striving Readers adolescent literacy program. Provides that states set aside funds to provide technical assistance, preservice coursework reviews, state licensure and certification recommendations, and progress reports on the reduction of the number of students reading and writing below grade level. School districts may use funds for assessments, training principals to support adolescent literacy initiatives, data collection, recruiting adolescent literacy coaches and professional development. Provides for a national evaluation of the Striving Readers program and its impact on student achievement.

Title XI – Amendments to the McKinney-Vento Homeless Assistance Act

Continues current provisions of McKinney-Vento Homeless Assistance Act that ensures homeless children and youth are taught to the same academic achievement standards as non-homeless children and youth. Increases State and local educational agency responsibility for providing educational services to such children and youth to include ensuring that they have access to charter and magnet schools and career and technical education programs. Directs State and school districts to lift barriers to school stability and graduation for homeless children and youth. Enhances the dispute resolution procedures for determining the best educational interest of such children and youth. Adds new provisions requiring greater attention to young homeless children including ensuring that they are provided access to pre-school programs.